

REMARKS/ARGUMENTS

In the office action, the Examiner alleged that the declaration filed July 31, 2008, under 37 CFR §1.131 was ineffective to overcome the Mizuta reference. The Examiner's primary objection was a lack of specific documentary evidence of diligence employed from prior to the critical date of Mizuta (March 28, 2003) through the constructive reduction to practice of the present invention (April 1, 2003). Applicants submit herewith a second declaration supported by additional documentary evidence.

First, attached as Exhibit A is the Invention Disclosure Document which was transmitted to the assignee prior to March 28, 2003. This evidences conception prior to the critical date.

Next, three new documents are submitted to establish diligence from prior to the critical date, through the constructive reduction to practice. First, an "Authorization" to prepare a new Korean patent application was transmitted from the assignee to a Korean law firm on March 27, 2003. A copy of this authorization (and an English translation thereof) is attached hereto as Exhibit B. Second, a draft application was transmitted to the assignee from the Korean law firm on March 31, 2003. A copy of the draft application (and an English translation thereof) is attached hereto as Exhibit C. Finally, on April 1, 2003, the assignee provided an "opinion of the draft application" to the Korean law firm, which authorized the Korean law firm to file the application. A copy of the "opinion of draft application" (and an English translation thereof) is attached hereto as Exhibit D.

Response filed January 28, 2009  
Responding to office action mailed November 28, 2008  
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These documents, together with the inventor's declaration under 37 CFR §1.131 clearly establish conception prior to March 28, 2003, together with diligence from prior to March 28, 2003 through the April 1, 2003 filing date. Accordingly, the Examiner is kindly requested to remove the Mizuta reference as prior art.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

  
Christian C. Michel  
Attorney for Applicant  
Reg. No. 46,300

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

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